

1 TRINETTE G. KENT (State Bar No. 025180)
2 10645 North Tatum Blvd., Suite 200-192
3 Phoenix, AZ 85028
4 Telephone: (480) 247-9644
5 Facsimile: (480) 717-4781
6 E-mail: tkent@kentlawpc.com

7 Of Counsel to:
8 Nitzkin & Associates
9 22142 West Nine Mile Road
10 Southfield, MI 48033
11 Telephone: (248) 353-2882
12 Facsimile: (248) 353-4840

*Attorneys for Plaintiff,
Michael McNeill*

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA

15 Michael McNeill,

16
17 Plaintiff,

18 vs.

19 NPAS, Inc., a Tennessee corporation.
20

21 Defendant.
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23
24
25

Case No.:

COMPLAINT

JURY TRIAL DEMAND

1 NOW COMES THE PLAINTIFF, MICHAEL MCNEILL, BY AND
2 THROUGH COUNSEL, Trinette G. Kent, and for his Complaint against the
3 Defendant, pleads as follows:
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5
6 **JURISDICTION**
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- 8 1. This court has jurisdiction under the Fair Debt Collection Practices Act 15
9 U.S.C. §1692, *et seq.*, (“FDCPA”).
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11 **VENUE**
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- 13 2. The transactions and occurrences which give rise to this action occurred in the
14 City of Kingman, Mohave County, Arizona.
15
16 3. Venue is proper in the District of Arizona, Prescott Division.
17

18 **PARTIES**
19

- 20 4. The Defendant to this lawsuit is NPAS, Inc. (“NPAS”), which is a Tennessee
21 corporation that maintains a registered agent in Phoenix, Arizona.
22

23 **GENERAL ALLEGATIONS**
24

- 25 5. Defendant is attempting to collect a consumer type debt allegedly owed by
26 Plaintiff to Valley View Medical Center in the amount of \$706.09.
27
28 6. The alleged debt was incurred in the amount of \$6,310.31, and The U.S.
Department of Veteran Affairs paid \$5,604.22 of this.

1 7. Mr. McNeill does not owe the alleged debt. Since the U.S. Department of
2 Veteran Affairs agreed to cover his medical debt, the institution was required to
3 accept its payment as payment in full and forgive the deficiency since Mr.
4 McNeill veteran.
5

6 8. On or about May 27, 2015, Mr. McNeill received a demand letter from
7 Defendant NPAS, attempting to collect the alleged debt in the amount of
8 \$706.90.
9

10 9. On or about June 1, 2015, Mr. McNeill sent a letter to Defendant, indicating
11 that he did not owe the alleged debt.
12

13 10. On or about September 28, 2015, Mr. McNeill received another letter from
14 Defendant, attempting to collect the alleged debt in the amount of \$169.56.
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16 11. On or about October 8, 2015, Mr. McNeill received another letter from
17 Defendant, attempting to collect the alleged debt, again in the amount of
18 \$169.56.
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20 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
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22 12. Plaintiff reincorporates the preceding allegations by reference.

23 13. At all relevant times, Defendant, in the ordinary course of its business, regularly
24 engaged in the practice of collecting debts on behalf of other individuals or
25 entities.
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1 14.Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in
2 this case is for a consumer debt.

3
4 15.Defendant is a "debt collector" under the Fair Debt Collection Practices Act
5 ("FDCPA"), 15 U.S.C. §1692a(6).

6
7 16.The Defendant's foregoing acts in attempting to collect this alleged debt
8 violated the following provisions of the FDCPA:

9 a. 15 U.S.C. §1692f(1) by collecting an amount not permitted by law.

10
11 b. 15 U.S.C. §1692e(2)(A) by misrepresenting the character, amount or
12 legal status of any debt.

13
14 17.The Plaintiff has suffered economic, emotional, general, and statutory damages
15 as a result of these violations of the FDCPA.

16
17
18 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
19 against Defendant NPAS for actual damages, costs, interest, and attorneys' fees.

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21 **DEMAND FOR JUDGMENT RELIEF**

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23 Accordingly, Plaintiff requests that the Court grant him the following relief against
24 Defendant NPAS:

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26 a. Actual damages;

27 b. Statutory damages; and
28

1 c. Statutory costs and attorneys' fees.
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3

4 **JURY DEMAND**

5 Plaintiff hereby demands a trial by Jury.
6
7

8 DATED: February 3, 2016

NITZKIN & ASSOCIATES

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11 By: /s/ Trinette G. Kent
12 Trinette G. Kent
13 Attorneys for Plaintiff,
14 Michael McNeill
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